



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/30/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yamhill Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 12, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: John Morgan, City of Yamhill  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUL 25 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction:

Local file number:

Date of Adoption: **7/10/2013**

Date Mailed: **7/19/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/29/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **ANNEXATION**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annexation of 12.7 acres of land into the City of Yamhill. The property is within the Yamhill Urban Growth Boundary. The land is designated for Residential use on the Yamhill Comprehensive Plan map. The County zoning is EFU-80. Upon annexation the zone will change to the City's R-2 Residential Zone.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from: **EFU-80**

to: **R-2**

Location: **So. of 3<sup>rd</sup> St from Hemlock to Cedar-TL R3404 & 022**

Acres Involved: **12**

Specify Density: Previous: **0**

New: **6 du/ac**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☒ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **John Morgan**

Phone: (503) 304-9401 Extension:

Address: PO Box 9

Fax Number: 503-662-4589

City: Yamhill

Zip: 97148-

E-mail Address: [john@morgancps.com](mailto:john@morgancps.com)

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

# CITY OF YAMHILL

ORDINANCE NO. O-498

## **AN ORDINANCE ANNEXING PROPERTY INTO THE CITY LIMITS OF THE CITY OF YAMHILL, AND DECLARING AN EMERGENCY:**

**WHEREAS**, Van Dyke River View Farms, LLC is the owner of the tract of land described below, and have either petitioned or consented to the annexation of said territory to the City of Yamhill (ANN 13-01); and

**WHEREAS**, the City Recorder of the City of Yamhill, Oregon, caused notice of a public hearing on the request to be published as required by city ordinance. In addition, written notice of the requested change was mailed to all owners of property within five hundred feet of the exterior boundary of the subject property, and posted at four places within the City of Yamhill. Proof of publication and written notice is on file at City Hall; and

**WHEREAS**, said public hearing was held on the 3rd day of April, 2013 at 6:30 p.m. before the Yamhill Planning Commission in the City Council chambers of the City of Yamhill, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of the annexation of said area and territory herein first described; and

**WHEREAS**, the Planning Commission, being fully informed about said request, found that said change did conform with the review criteria listed in the municipal code Chapter 13.04 (the Annexation Ordinance) based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in City Hall and that the annexation request was consistent with the Comprehensive Plan; and

**WHEREAS**, the Planning Commission recommended the Council approve the annexation application; and

**WHEREAS**, subsequently, the City Council by Ordinance O-496 called for a public hearing and such public hearing was held on May 8, 2013, at 7:35 p.m. in the City Council chambers of the City of Yamhill. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the News Register, a newspaper of general circulation in the City of Yamhill, published once each week for two successive weeks prior to the day of the hearing all as appears from the proof of publication on file in the Recorder's office, and the Recorder caused the notice to be posted in four public places in the City for a like period and

**WHEREAS**, the Yamhill City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in Yamhill Municipal Code, Chapter No.

13.04. The testimony of the proponents and opponents was received and, in addition, the record generated by the Yamhill Planning Commission were duly incorporated into the record and were considered by the Council and;

**WHEREAS**, the City Council hereby adopts, makes and enters as its findings of fact those findings set forth on Exhibit A attached hereto and by this reference made a part hereof;

**NOW THEREFORE THE CITY OF YAMHILL ORDAINS AS FOLLOWS:**

**SECTION 1.** That inasmuch as the owners of the area and territory described and designated herein have consented in writing to the annexation of said contiguous area and territory, and the consent is on file in the Planning Director's office in the City of Yamhill, Oregon, and no objection to the proposed annexation having been made by residents within said area and territory, the Council hereby orders, declares and proclaims the following area and territory is hereby annexed to the City:

A tract of land located in the southeast quarter of Section 4, Township 3 South Range 4 West, Willamette Meridian, Yamhill County; Oregon, said tract being a portion of that tract of land described in deed to Van Dyke Riverview Farms, L.L.C., and recorded in Instrument 199912165, Yamhill County Deed Records said tract being more particularly described as follows:

Beginning at the northeast corner of said Van Dyke Riverview Farms, L.L.C. tract, said corner on record as being a stake set in the center Third Street in the City of Yamhill at a point South 00° 30' 00" East 336.27 feet from the northeast corner of the John B: Rowland Donation Land Claim and at a point that is North 89° 55' 00" East 126.39 feet from THE intersection of Third Street and Cedar Street in the City of Yamhill; thence South 89° 55' 00" West 1259.08 feet along the north line of said Van Dyke Riverview Farms, LLC tract to the northeast corner of the City Park conveyed to the City of Yamhill in Book 93, Page 513, Yamhill County Deed Records; thence South 00° 05' 00" East 440.02 feet to the south corner of said City Park; thence North 89° 55' 00" East 1262.28 feet, MORE or less, to the east line of said Van Dyke Riverview Farms, L.L.C; thence North 00° 30' 00" West 440.3 feet along said east line to the place of beginning.

**SECTION 2.** The Recorder of the City of Yamhill, Yamhill County, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of the State of Oregon, the Assessor of Yamhill County, State of Oregon, and the County Clerk of Yamhill County, State of Oregon, a copy of the following documents:

- (a) A copy of this ordinance.
- (b) A copy of written consent of landowners of said area and territory.
- (c) A map of the said area

**SECTION 3.** This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Yamhill, an emergency is declared to exist and this Ordinance

shall be in full force and take effect immediately upon its passage and approval by the Mayor.

**ADOPTED** by the City of Yamhill this 12<sup>th</sup> day of June, 2013 by the following vote:

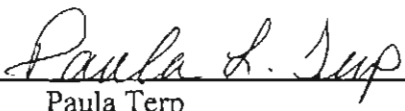
**FIRST READING: JUNE 12, 2013**

**SECOND READING: JUNE 12, 2013**

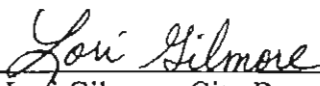
AYES 5

NAYS: 0

Approved by the Mayor this 12<sup>th</sup> day of June, 2013.

  
\_\_\_\_\_  
Paula Terp  
Mayor - City of Yamhill

ATTEST:

  
\_\_\_\_\_  
Lori Gilmore, City Recorder

# CITY OF YAMHILL

ORDINANCE NO. O-500

## **AN ORDINANCE ZONING CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF YAMHILL, AND DECLARING AN EMERGENCY:**

**WHEREAS**, Van Dyke River View Farms, LLC is the owner of the tract of land described below recently annexed to the City of Yamhill pursuant to City Ordinance 498; and

**WHEREAS**, Yamhill Municipal Code Section 13.04.120 requires that the City promptly undertake and complete zoning proceedings to apply a city zoning designation to newly annexed parcels; and

**WHEREAS**, the owner of the parcel described below requested that an R-2 Single Family Residential designation be assigned to the parcel upon annexation; and

**WHEREAS**, the City Recorder of the City of Yamhill, Oregon, caused notice of a public hearing on such zoning request to be published as required by city ordinance. In addition, written notice of the requested zoning request was mailed to all owners of property within three hundred feet of the exterior boundary of the subject property, and posted at four places within the City of Yamhill. Proof of publication and written notice is on file at City Hall; and

**WHEREAS**, said public hearing was held on the 3rd day of April, 2013, before the Yamhill Planning Commission in the City Council chambers of the City of Yamhill, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of such zoning request; and

**WHEREAS**, the Planning Commission, being fully informed about said request, found that said change did conform with the review criteria listed in the municipal code based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in City Hall and that the zoning request was consistent with the Comprehensive Plan; and

**WHEREAS**, the Planning Commission recommended that the Council approve the proposed R-2 Single Family Residential zoning designation; and

ORDINANCE NO. O-500

**WHEREAS**, subsequently, the City Council by Ordinance O-496 called for a public hearing and such public hearing was held on May 8, 2013, at 7:35 p.m. in the City Council chambers of the City of Yamhill. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the News Register, a newspaper of general circulation in the City of Yamhill, published once each week for two successive weeks prior to the day of the hearing all as appears from the proof of publication on file in the Recorder's office, and the Recorder caused the notice to be posted in four public places in the City for a like period and

**WHEREAS**, the Yamhill City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in Yamhill Municipal Code. The testimony of the proponents and opponents was received and, in addition, the record generated by the Yamhill Planning Commission were duly incorporated into the record and was considered by the Council.

**NOW THEREFORE THE CITY OF YAMHILL ORDAINS AS FOLLOWS:**

**SECTION 1.** That inasmuch as the owners of the area and territory described and designated herein have requested an R-2 Single Family Residential zoning designation be applied to the following area and territory which has been previously annexed to the City:

A tract of land located in the southeast quarter of Section 4, Township 3 South Range 4 West, Willamette Meridian, Yamhill County; Oregon, said tract being a portion of that tract of land described in deed to Van Dyke Riverview Farms, L.L.C., and recorded in Instrument 199912165, Yamhill County Deed Records said tract being more particularly described as follows:

Beginning at the northeast corner of said Van Dyke Riverview Farms, L.L.C. tract, said corner on record as being a stake set in the center Third Street in the City of Yamhill at a point South 00° 30' 00" East 336.27 feet from the northeast corner of the John B. Rowland Donation Land Claim and at a point that is North 89° 55' 00" East 126.39 feet from the intersection of Third Street and Cedar Street in the City of Yamhill; thence South 89° 55' 00" West 1259.08 feet along the north line of said Van Dyke Riverview Farms, LLC tract to the northeast corner of the City Park conveyed to the City of Yamhill in Book 93, Page 513, Yamhill County Deed Records; thence South 00° 05' 00" East 440.02 feet to the south corner of said City Park; thence North 89° 55' 00" East 1262.28 feet, MORE or less, to the east line of said Van Dyke Riverview Farms, L.L.C; thence North 00° 30' 00" West 440.03 feet along said east line to the place of beginning.

the zoning designation for the property is hereby established as R-2 Single Family Residential.

**SECTION 2.** This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Yamhill, an emergency is declared to exist and this Ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.



**ADOPTED** by the City of Yamhill this 10<sup>th</sup> day of July, 2013 by the following vote:

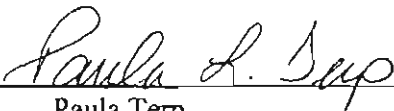
**AYES** 5

**NAYS:** 0

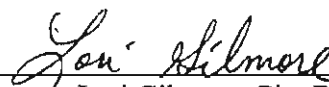
**FIRST READING: JULY 10, 2013**

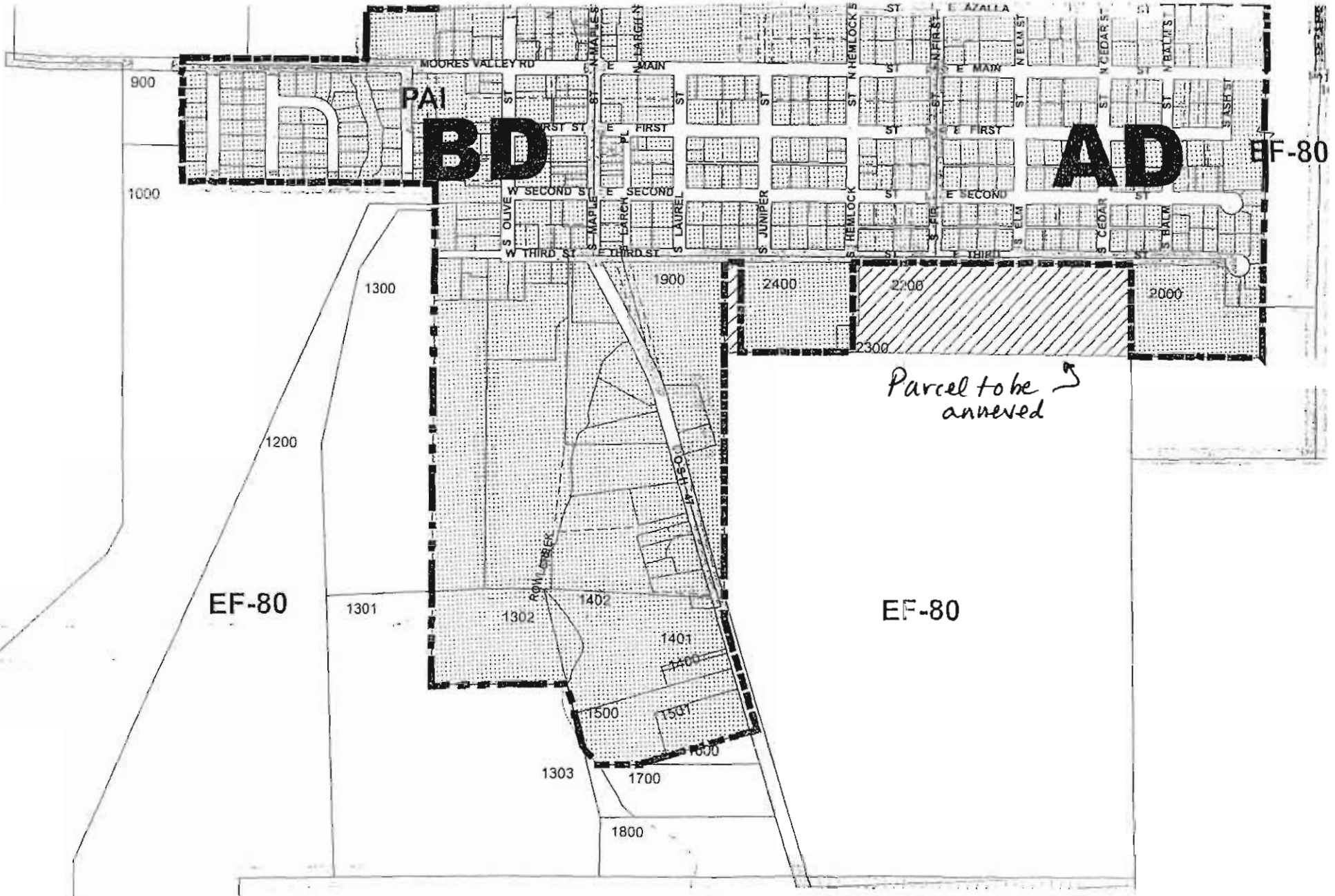
**SECOND READING: JULY 10, 2013**

**Approved by the Mayor this 10<sup>th</sup> day of July 2013.**

  
\_\_\_\_\_  
Paula Terp  
Mayor - City of Yamhill

**ATTEST:**

  
\_\_\_\_\_  
Lori Gilmore, City Recorder

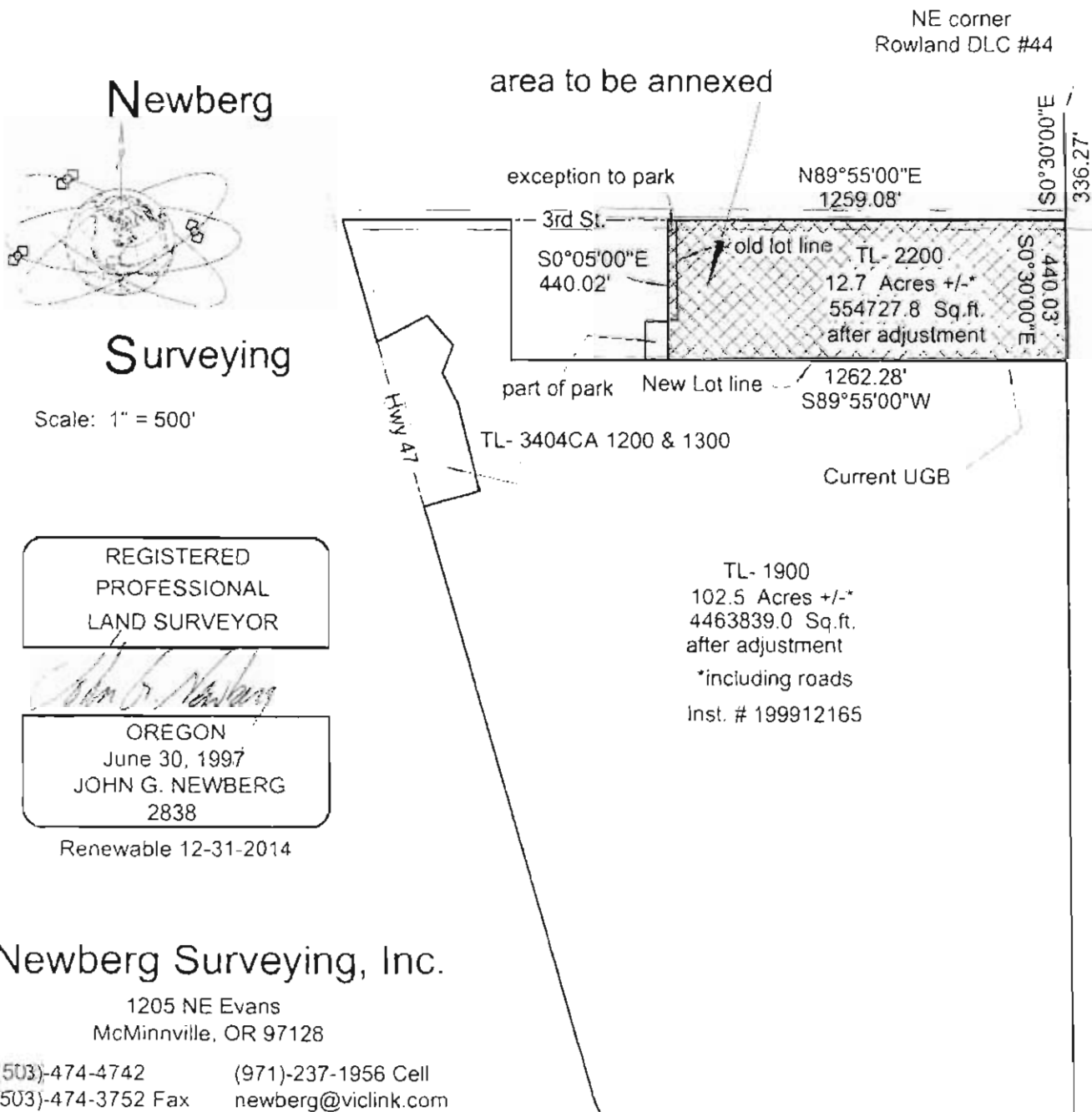


Map 3404  
↑  
N

Exhibit A

# VAN DYKE RIVER VIEW FARMS, LLC. ANNEXATION MAP TO CITY OF YAMHILL:

Location: E 1/2 Section 4 T. 3 S., R. 4 W., WM.,  
Yamhill County, OR  
Tax Lot: 3404-1900 & 2200  
Date: 24 January, 2013





Post Office Box 9

Yamhill, OR 97148

Return Service Requested

POSTAGE DUE



20

Attn: Plan Amendment Specialist  
Dept of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Or 97301-2540

DEPT OF  
JUL 25 2013  
LAND CONSERVATION  
AND DEVELOPMENT

9730132540 0007

